

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSUE PAGUADA,
Plaintiff,

-v-

LONGCAP LAMSON PRODUCTS,
LLC,
Defendant.

21-CV-362 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Plaintiff has moved for default judgment. (*See* Dkt. No. 12.) “[A] court may not properly enter a default judgment unless it has jurisdiction over the person of the party against whom the judgment is sought, which also means that he must have been effectively served with process.” *Doe v. Alsaud*, 12 F. Supp. 3d 684, 687 (S.D.N.Y. 2014).

Plaintiff has not filed proof that he properly served the complaint. Federal Rule of Civil Procedure 4(c)(1) provides that “[a] summons must be served with a copy of the complaint,” and Plaintiff’s affidavit of service states only that his provider “served the summons.” (Dkt. No. 5 at 1.) *See United States v. John*, No. 18-CV-5045, 2020 WL 5536830, at *9 (E.D.N.Y. Mar. 2, 2020), *report and recommendation adopted as modified*, No. 18-CV-5045, 2020 WL 4915371 (E.D.N.Y. Aug. 21, 2020).

In addition, Plaintiff has not properly served the motion for default judgment. “[A] motion for default judgment will not be granted unless the party making that motion adheres to . . . local and individual rules.” *J&J Sports Prods. Inc. v. La Reina Del Sur Rest. & Bar Inc.*, No. 15-CV-6546, 2016 WL 11544146, at *1 (E.D.N.Y. Aug. 19, 2016). Local Rule 55.2 provides that the motion, and all papers submitted in support of the motion, “shall simultaneously be mailed to the party against whom a default judgment is sought at . . . the last

known business address of such party (if a person other than an individual).” Further, “[p]roof of such mailing shall be filed with the Court.” *Id.* Plaintiff has not filed such proof.

Accordingly, Plaintiff’s motion for default judgment is denied without prejudice and with leave to renew.

SO ORDERED.

Dated: March 28, 2022
New York, New York



J. PAUL OETKEN
United States District Judge